

State HAPs Rule - 2005
Response to Stakeholder Comments

November 7, 2005

No.	Comment	Response
De minimis and Modification Comments		
1	Once de minimis amounts are set by ADEQ for federal HAPs, if EPA sets their own de minimis amounts, which takes precedence?	EPA has abandoned any attempt to develop de minimis amounts under § 112(g) of the Clean Air Act. If EPA changes course and decides to adopt de minimis amounts in the future, ADEQ intends to revise the state HAPs rule to incorporate them.
2	How does ADEQ plan to overcome the problems that prevented EPA from defining de minimis?	ADEQ has taken a different approach from that pursued by EPA. In particular, ADEQ has not attempted to develop rules that would allow sources to net decreases in emissions of one HAP against increases of another based on their relative toxicity. EPA's attempt to implement such a program was a major source of controversy in its rulemaking under § 112(g) of the Clean Air Act.
3	Will the modification itself, or the entire modified source, be regulated?	ADEQ believes Arizona Revised Statutes (A.R.S.) § 49-426.06(C) provides for the imposition of MACT or HAPRACT solely on the emission units being modified.
4	Does a modification to a single piece of equipment that triggers the HAPs assessment, also trigger HAPs assessment for the entire facility?	No. See above.
5	If an old source in an unpopulated area becomes a populated area could that be considered a "significant source modification"?	No. A modification is defined by statute as a physical or operational change at the source that results in an increase in emissions. See A.R.S. § 49-401.01(24). An increase in exposure through changes in the population surrounding the source, although a legitimate public health concern, does not qualify as a modification under this definition.
6	Regarding concerns that "existing sources" will not be covered by the rule. Since modification includes any physical change or change in the method of operation nearly all existing sources will be drawn into the program just like NSR. Most companies cannot continue to operate without some sort of modification.	ADEQ thanks the commenter for this observation, which does not require a formal response. ADEQ notes, however, that the regulation of modifications is not a complete answer to the threat posed by existing sources. As noted above, HAPRACT or MACT will apply solely to the emission units being modified. Existing units unaffected by the modification will remain unregulated by this program.
7	Certain de minimis value emission rates are so extremely small that readily available information such as MSDS data is [sic] inadequate to determine an exceedance of the de minimis value.	<p>Some of the de minimis levels are low because the HAPs in question are toxic in very low doses. ADEQ recognizes that it may be infeasible for some sources to determine whether a particular increase exceeds some of the de minimis levels. In these cases, the source will have to assume that a physical or operational change that results in any increase constitutes a modification. ADEQ believes this is an appropriate approach for these highly toxic pollutants.</p> <p>Note, however, that there must be a reasonable basis for believing there will be at least some increase in emissions of the HAP in question. For example, if a source is substituting one process input for another, and it is not possible to determine from the MSDS sheets or other means whether the HAP content of the new ingredient exceeds that of the old, then the change to the new input will not trigger the program.</p>

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8	What is statutory authority for ADEQ to adopt de minimis for federal HAPs?	<p>The statutory authority can be found in A.R.S. § 49-426.06(B), which provides:</p> <p style="padding-left: 40px;">After rules adopted pursuant to subsection A of this section become effective pursuant to § 41-1032, a person shall not commence the construction <i>or modification</i> of a source that is subject to this section without first obtaining a permit or permit revision</p> <p>(Emphasis added.)</p> <p>Section 49-426.06(A) provides that “the director shall by rule establish a state program for the control of hazardous air pollutants that meets the requirements of this section.” A modification is defined in A.R.S. § 49-401.01(24) as</p> <p style="padding-left: 40px;">a physical change in or change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source <i>by more than any relevant de minimis amount</i> or which results in the emission of any regulated air pollutant not previously emitted <i>by more than such de minimis amount</i>.</p> <p>(Emphasis added.)</p> <p>Under A.R.S. § 49-426.06(B), the adoption of de minimis amounts is necessary to implement the legislature’s directive to adopt a program “that meets the requirements this section,” Including the regulation of modifications.</p> <p>ADEQ disagrees with the contention of industry stakeholders that the second sentence of A.R.S. § 49-426.06(B) limits ADEQ’s authority. That sentence <i>requires</i> ADEQ to adopt de minimis amounts for non-federal HAPs. It does not expressly or by implication preclude ADEQ from adopting de minimis amounts for federal HAPs. Arizona law holds that each provision of a statute must be given effect. ADEQ’s interpretation of A.R.S. § 49-426.06(B) to include the authority necessary to regulate modifications has that effect.</p>
9	If authorities other than §49-426.06 are used to adopt de minimis for federal HAPs, how does this impact counties with respect to §49-480.04?	As noted in response to 8 above, ADEQ is not relying on authorities other than A.R.S. § 49-426.06.
10	Issue with determining baseline for existing unpermitted sources who have a modification that exceeds de minimis.	Emission inventories and prior permit applications will not be available for these sources, but there are many other methods for determining baseline emissions.
11	The listed de minimis levels are extremely low and not quantifiable.	This may be true of some, but not all, de minimis levels. See response to 7 above.
12	It seems that the SCREEN3 modeling assumed a given concentration per cubic meter, i.e. styrene 564lbs/cm ³ . The methodology called to convert this to lb/hr appears to assume the given source emits to one single cubic meter instead of being realistic.	The commenter is mistaken.

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13	Important to err on the side of caution when establishing de minimis levels – overarching goal is protection of public from toxic chemicals. Levels should be low or zero and modeling should be conservative to ensure people aren't harmed or injured.	ADEQ agrees that a conservative approach to determining de minimis levels is appropriate and has attempted to employ such an approach to the extent consistent with the statute.
14	Is it possible for a source to determine individual de minimis levels based on the AACs and the source's specific conditions?	No. De minimis levels are used for determining whether the state HAPs program applies at all. The type of analysis the commenter seems to have in mind can be conducted as part of a risk management analysis (RMA).
15	In a 1994 "trial balloon" draft (Jan. 7, 1994 letter from N. Wrona to R. Ferland), ADEQ suggested a very different approach to defining de minimis. Is ADEQ willing to consider its own 1994 trial balloon draft for determining de minimis levels?	No.
16	A permit application is <u>only</u> required if there's a modification and HAPRACT is determined to apply, correct? Is ADEQ concurrence required if source determines it's not subject to HAPRACT?	<p>No. A permit application is required for any new source or modification that is subject to the program, even if an RMA demonstrates that HAPRACT does not apply.</p> <p>Yes. ADEQ concurrence that an RMA makes the necessary demonstration is required.</p>
17	The definition of "mod" is nearly identical to the NSR and NSPS definition of mod. Will ADEQ use EPA's existing body of policy and guidance documents on the meaning of this term? For example, EPA has guidance on whether certain changes constitute a change in method of operation. Will ADEQ follow these? Also, will ADEQ adopt the exemptions from the NSR definition of mod (i.e. increased hours of operation, etc.)?	ADEQ has attempted to incorporate appropriate exemptions from the NSR definition of major modification. The issue of NSR reform, to which the comment alludes, will be addressed in a future rulemaking.
18	De minimis levels, where only an annual level is shown, are difficult or impossible to measure for many of the chemicals listed in Table 3-1.	See response to 7 above.
19	De minimis. Readily available product information (MSDS) does not provide constituent concentrations accurately enough to calculate compliance with proposed, extremely low, de minimis levels. PTE calculation, to the degree necessary, would not be possible.	See response to 7 above.
20	Will the rule account for contemporary emissions increases and decreases? If yes, Significant figures in de minimis column – way too many!	No. Netting of increases and decreases is not allowed by the draft rule. As in the case of NSR, ADEQ may scrutinize a series of changes resulting in less-than-de-minimis increases to determine if they in fact constitute one change and were staggered to circumvent the program.
21	ADEQ appears to be proposing an actuals-to-potentials test for determining HAPs emissions increases in the context of modifications. Utilities haven't been subject to this test since the early '90s and instead are subject to an actuals-to-actuals test. Moreover, EPA itself recently extended the actuals-to-actuals test to all regulated entities. The use of actuals-to-potentials will capture almost every modification. What is ADEQ's rationale, and isn't an actuals-to-actuals test more appropriate and consistent with EPA's policy? ARS §49-401.01 defines "mod" in terms of actual.	To the extent the existing definition of actual emissions, which applies to the state HAPs program as well as NSR, provides for an actual-to-potential emissions test, the first sentence of this comment is correct. Contrary to the remainder of the comment, ADEQ is not proposing to change the test applicable to utilities or any other source in the current rulemaking. The issue of NSR reform, to which the comment alludes, will be addressed in a future rulemaking.

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Source Categories		
22	Category prioritization should look at both actual and potential emissions.	ADEQ agrees and examined data on potential emissions where available.
23	The statute says ADEQ “may” list source categories – not mandatory. Will cost-benefit or economic impact enter the decision?	Economic impact will be discussed in the Economic Impact Statement for the rule. ADEQ notes that the statute requires HAPRACT for the listed source categories, unless they are major sources, in which case they are subject to regulation without regard to the category list. The economic impact of controls is very much a relevant consideration in determining HAPRACT. In addition, controls can be avoided entirely, or the cost mitigated, through the submission of an RMA, and ADEQ has endeavored to allow a number of low-cost RMA options.
24	Will consideration be given as to how a particular source in a category is used? (e.g. emergency generator.)	Yes. Limits on hours of operation and other operating restrictions will be considered in making applicability determinations, if the restrictions are enforceable by ADEQ. The strawman rule includes an amendment to R18-2-306.01(A) to make it clear that permittees may voluntarily accept permit limitations in order to avoid non-federal applicable requirements, such as the state HAPs program.
25	I am concerned that HAPs rule will only apply to source categories listed. The incinerator industry regularly reinvents names for themselves to escape public notice and regulation. Why not regulate sources that emit sufficient HAPs, without requiring a list of source categories?	The statute requires the listing of source categories as a prerequisite to the regulation of minor sources. The commenter’s suggestion is therefore not a permissible option. In addition, if a source’s primary activity is that described in the SIC Manual for a listed SIC code, which provides objective tests for determining SIC code applicability, the source will be subject to the program, regardless of what its owner calls it.
26	Caps don’t necessarily obstruct air flow. Stacks are not capped thus preventing flow. Vertical obstructed does not mean capped. Flow may be diverted but not eliminated.	ADEQ believes the Weston approach to modeling stacks identified as having obstructed air flow follows relevant EPA guidance.
27	Asphalt batch plants (should be included)	ADEQ will consider this source category in the first three-year review for the state HAPs rule.
28	SIC 9999 inappropriate to use in this.	ADEQ agrees. It has not been listed.
29	Were mobile source emissions excluded from the data relied upon?	Mobile sources should have been excluded from the data sources on which ADEQ and Weston relied to develop the source category list for the strawman rule. ADEQ will consider any comments pointing out the erroneous inclusion of mobile source emissions in these data sources.
30	The disparity between acute and chronic results calls into question the validity of assumptions used. How can this be explained?	The acute AACs are set to avoid toxic effects that occur after a short exposure to a pollutant. These levels are generally much higher than those determined to result in long-term effects, such as cancer.
31	Why were major HAP sources modeled?	To determine if minor sources in the same category should be subject to regulation.
32	How can a facility with twice the emissions of the same HAP as another not be required to be listed? Marlamu Ltm.	It is not unusual for differences in stack parameters and other site characteristics affecting the dispersion of pollutants to have this effect.
33	How do we obtain access to the technical support documents for each source category determination? (To review for accuracy, completeness, etc.	Documents were posted to the Web site.

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34	Did ADEQ provide identified sources with the opportunity to verify the accuracy of the modeling data used? If not, why not to ensure accuracy?	All data used was self-reported. ADEQ therefore believes it was reasonable in the first instance to assume its reliability. The stakeholder process has provided the opportunity to correct any errors in the data, and public comment period for the proposed rule will provide another.
35	Quality of data is bad/flawed. Example is Penn Racquet Sports.	ADEQ has attempted to use the best available data taking department resource constraints into account.
36	Veracity of SIC code determination? (ex Ltm Marble.)	ADEQ does not intend to take sources' SIC code determinations at face value. Whenever ADEQ has, or the public raises, concerns regarding the accuracy of a source's SIC code designation in connection with determining the applicability of the state HAPs program, ADEQ will independently compare the source's operations to the descriptions in the SIC Manual and make its own determination of the appropriate SIC code. ADEQ is interested in suggestions to improve the accuracy of the application of SIC codes.
37	Are counties authorized to expand list of source categories under A.R.S. §49-112?	This is ultimately a question for the County Attorney and Board of Supervisors, but ADEQ believes the counties have this authority if the conditions established by A.R.S. § 49-112(A) and (C) are satisfied.
38	Recommend source categories be in rule similar to EPA area source approach. Describe affected facility with 1 ton per year (tpy) PTE not SIC.	ADEQ is uncertain exactly what this comment is suggesting. If the suggestion is to prescribe categorical HAPRACT standards by rule, ADEQ has concluded that the statute is better read as requiring the case-by-case imposition of HAPRACT by permit.
39	Will RACT for source category address HAP above AAC only?	No. HAPRACT will apply to the emission of any HAP exceeding the de minimis level.
40	Where TRI data is used, which specific compound was used to make comparison with acute and chronic concentrations (Ni compd – which compounds)?	As explained during the stakeholder process and in Weston's reports, the most toxic compound in a group was generally evaluated. ADEQ has included procedures in the strawman rule that will allow sources emitting less toxic compounds in a listed group to complete an RMA for the compound by using a simple equation. ADEQ is also working on the development of guidance establishing AACs for these compounds for use in the equation. (Sources that cannot demonstrate through use of the equation that emissions of the compound will not adversely affect public health will of course have to conduct a more extensive RMA or comply with the relevant control technology requirement.)
41	Phoenix Brickyard – Why wasn't TRI data used?	TRI data for Phoenix Brickyard was initially used to identify brick and structured clay tile (SIC 3251) as a candidate source category, but better data on the source's potential emissions became available through subsequent investigation.
42	Include NAICS codes with SIC codes in each category listed.	ADEQ believes that it is better to have a single standard for making applicability determinations. Because of the department's familiarity with SIC codes, and their continued use in NSR, ADEQ has chosen to use them rather than the NAICS codes in the rule language. The preamble for the proposed rule will include a crosswalk between the SIC and NAICS codes.

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43	If a source category is not listed currently, are there other conditions, triggers that will bring it into program in the future?	ADEQ may list additional source categories as a result of future rulemakings. ADEQ may undertake such rulemaking in response to a permit application pursuant to A.R.S. 49-426(C). In that case, the source may choose to comply with the program voluntarily, rather than wait for the outcome of the rulemaking process.
Comments Related to the Modeling Process		
44	Was the original intent of “area” source for similar sources within a small geographical area?	“Area sources,” as used in the presentation on the legal framework for the state program, simply meant non-major sources.
45	What HAP monitoring (ambient) has been done? What are results?	<p>In the 1990s, three separate HAPs monitoring studies were conducted: One where a single monitor was located in each of 4 cities - Phoenix, Tucson, Payson and Casa Grande – all of which were sited to measure average population exposure in residential neighborhoods. The other two studies included multiple monitors Nogales, and Douglas, and were designed to assess the extent and impact of international transport of HAPs in those two US/Mexico border communities. HAPs have continued to be monitored in Phoenix at the neighborhood site used for the 1990's study since 2000. In 2005, HAPs are being monitored at eight sites in the Phoenix area through a tribal/state/federal governmental coalition. The results of Douglas study and the most recent monitoring in the greater Phoenix area will not be available for many months.</p> <p>In addition to the monitoring, these studies included development of HAPs emissions inventories (includes all known sources of HAPs), regional-level air quality modeling and a risk assessment of both cancer and non-cancer health impacts. The results of these parts of the studies show that, for the average individual, the greatest risks were posed by on-road vehicles (all), lawn & garden equipment (all but Nogales), wood smoke (Payson), and domestic solvents and utility equipment (Nogales). Further, the level of risk depends upon whether one is exposed to average levels of HAPs in ambient air (characterized by the neighborhood sites in the 4 cities study), or as a “reasonable maximally exposed individual” (i.e., a person living and working in areas with the highest expected concentrations of HAPs). Since the purpose of the State HAPs program is to reduce exposure HAPs for people living and working in relatively close proximity to industrial sources, the results of these studies cannot be reasonably generalized to the State HAPs program.</p>
46	Need monitoring to validate the modeling.	All EPA-approved models used in the regulatory context have been validated with monitoring studies. These efforts, which have taken place in the last four decades, involve various kinds of sources such as on-road vehicles, tall stacks, dust from haul roads, and many others. More information can be found at http://www.epa.gov/oar/oaqps/organization/emad/aqmg.html .
47	At some point in this process will Weston explain their modeling approach?	Two stakeholder meetings and two written reports were devoted to this subject.
48	Will the modeling include the source emissions from sources that are already in the Title V program?	Yes.
49	Need to determine how sources will determine/establish a baseline and potential to emit.	The existing NSR approach has been incorporated into the rule.

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50	How are baseline emissions and method of operation determined for existing sources, if they are not permitted now?	Through the use of any relevant available data.
51	The SCREEN model is overly conservative. New 2003-2005 EPA modeling guidelines imply should not use SCREEN for this use (i.e. HAPs).	ADEQ disagrees. See the response to comments submitted by Patrick Ryan.
52	Look at existing emissions relative to sources that do not end up on the list.	ADEQ is not certain what is intended by this comment.
53	If the MC doesn't meet the criteria, shouldn't the answer be NO (regarding slide eight of the presentation). Why are you re-evaluating and manually classifying. If no is no, why do a third process?	Given the uncertainties inherent in modeling, ADEQ felt that having a bright line cut-off would be inappropriate. In any case, the results of the modeling have made this a largely moot point. Only one source was in the 80-120% range. It has emissions well in excess of the major source threshold, and therefore will be subject to regulation regardless of whether its category is listed. Moreover, it was clear that if this source's emissions were reduced below the major source threshold, the resulting concentrations would be a small fraction of the AAC, and that listing was therefore inappropriate.
54	How conservative is the conversion formula for converting 1-hour to annual predicted concentrations?	Use of the 0.08 factor is standard practice and recommended by EPA.
55	Will the modeling approach be used for any other HAPs rule purposes?	Some elements of the approach were used to develop the de minimis amounts. In addition, similar modeling is or may be part of an RMA under Tiers 2-4.
56	Is the rural dispersion model assumption more or less conservative than the urban assumption? Why is the rural coefficient used for all modeling? What difference does it make?	The actual relative comparison of rural versus urban concentrations will be dependent on source characteristics, meteorology, and distance. Very few, if any, facilities in Arizona are in urban areas as that term is defined by the relevant guidance.
57	To determine human exposure, why is the "process area" an appropriate exposure location?	Because areas outside the process area are generally open to visitors, resulting in acute exposure concerns. In addition, they may be sold to and developed by third parties, which may result in future chronic exposure.
58	The process area boundary policy should be revisited to ensure consistency with ADEQ's regulations (particularly the definition of "ambient air").	ADEQ believes this long-standing policy is consistent with the definition and other regulations.

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59	Is the SCREEN3 model appropriate for reactive HAPs (like formaldehyde) or particle-bound HAPs that dry deposit from the atmosphere?	<p>Yes.</p> <p>Chemical transformations in the atmosphere are complex and require transport distances of several kilometers. Since the ADEQ modeling shows that for most facilities the maximum impact would occur within 1,000 meters of the facility, there would not be adequate time for photochemical reactions to occur that would make any difference in the predicted concentrations. Therefore, photochemical reactions were not considered applicable to the screening analysis conducted by ADEQ. ADEQ also points out that worst-case meteorological conditions often occur at night where photochemical reactions would not occur.</p> <p>Not much wet deposition would occur in Arizona and many of the pollutants modeled by ADEQ would not be in particle form. In addition, if deposition is occurring near a facility, these materials would be accumulating in the environment, be re-entrained and be re-introduced to the ambient air and enter the body through different pathways not considered by the ADEQ analysis. The time and resources needed to conduct a dry/wet deposition analysis for the facilities modeled by ADEQ would be extensive, likely costing several hundred thousand dollars. ADEQ believes that the use of ISC with wet/dry deposition and depletion is appropriate in certain situations and would consider using these options on a case-by-case basis for an RMA.</p>
60	Does the conservatism in the SCREEN3 model tend to over predict actual ambient impacts by more than 120%?	In some cases. ADEQ felt 120% was a reasonable, conservative cut-off.
61	Did you consider using EPA models designed to model actual human exposure, rather than SCREEN3?	No.
62	How can you have a 25m receptor with a 40m building if you use the center of the building as a reference starting point? The cavity zone will always be outside of 25m if you don't have information.	<p>The receptor array begins at 25 meters, and extends out to 10 kilometers. In addition, the SCREEN3 model locates the specific distance to the overall maximum concentration at or beyond 25 meters. It is this overall maximum concentration that was used in the decision process, regardless of the distance where it occurred. However, the distance to maximum concentration was specifically 25 meters for only some of the facilities modeled by ADEQ. Since the HAPRACT rules are part of the ADEQ New Source Review program, the location of the nearest receptor to a facility for a new facility is unknown and ADEQ feels that 25 meters adequately represents conditions that currently occur at existing facilities in Arizona.</p>
63	How does the assumption of rural dispersion affect the modeling? What are other options? Many facilities are in urban areas.	See response to 56 above.
64	Process boundary use in the model is especially difficult results in concentrations greater than actually would exist where general public could be exposed – where ambient guidelines apply.	See response to 57 above.

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65	How do health-based concentrations come into SIC list development? Factor in existing facilities in the AACs? What if ambient levels already exceed safe concentrations?	<p>The list of source categories was developed by comparing health-based concentrations to the modeled ambient concentrations from existing facilities. In addition, the list of HAPs for which AACs were developed was derived from a review of emissions from the candidate categories.</p> <p>The possibility that existing ambient levels may already exceed the AACs militates in favor of adopting a conservative approach to the development of this program.</p>
66	What is the EPA reference for 0.08 factor?	"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," EPA, Office of Air and Radiation, Office of Air Quality Planning and Standard (EPA-454/R-92-019, Oct. 1992)
67	How do you handle plume rise due to non-ambient temperature emissions from volume sources? If emitting at ground/building height, overstate results.	Neither SCREEN3, used by Weston, nor ISC, provides options to account for plume rise from a heated volume source. It should be noted that volume source modeling was in any case only performed when Weston did not possess the necessary stack data, such as plume temperature.
68	Will there be any attention paid to actual receptor distances?	These may be considered in a Tier 4 analysis.
69	What goes into the "manual, individual" determination of source categories in the between 80-120% range?	See response to 53 above.
70	What is the M parameter referred to on page five of the procedure?	ADEQ is not certain what this comment refers to.
71	Modeling for potential vs. actual emissions. Does that consider other limitations, e.g. market, maintenance time, etc.?	Only limitations that are enforceable are considered.
72	1 g/s = 7.92 lb/hr, not 0.126. Reciprocal is 0.126 so by dividing equation is correct.	ADEQ appreciates the clarification.
73	Where was the maximum concentration? At how many meters from stack?	This information varied by facility and is included in the detailed Weston source category listing spreadsheet.
74	A permit applicant must perform two modeling exercises: 1) SCREEN3 to determine if its emissions will be above de minimis; and then, 2) a more complex model in an RMA demonstration to show that HAPRACT should not apply. Correct?	No. Modeling is not required to determine the level of emissions. Rather, modeling is applied to a level of emissions. The use of SCREEN3, as well as more sophisticated models, is allowed in an RMA.
Ambient Air Quality Concentration Comments		
75	Will Weston also re-evaluate AAAQG adverse effects levels?	No. The AAAQGs will no longer be used after this rule becomes effective.
76	Federal HAPs=188; AZ AAQG=296. What about the difference?	Some of the 296 are within federal HAP groups. The remaining HAPs are not being addressed by this rulemaking.
77	Will Weston "adverse" health level be the basis for a source to demonstrate no controls are required?	Yes. The AACs are in the draft rule and are to be used in RMAs. Alternatives to the AACs may be presented in a Tier 4 RMA.
78	Will consideration of "adverse effects" accommodate a margin of safety?	No. The statute does not specifically provide for a margin of safety.
79	How will likelihood of "adverse effects" be characterized or quantified?	This comment has now been thoroughly addressed in the Weston reports and at the stakeholder meetings.

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80	Is the same 1/6 ratio for CR46 used in acute table that was in chronic?	ADEQ is uncertain about the meaning of this comment.
81	How do levels for classes of compounds apply to individual chemicals? Is it assumed that individual chemicals in a category are the same?	Only one level was set for each class or group of compounds constituting a HAP, generally based on the most toxic compound in the group. The draft rule includes a procedure for developing AACs for the other compounds. ADEQ intends to develop as many as possible in guidance.
82	§49-426.05 – What is the definition of “adverse effects”? One in a million? One in ten million?	There is no numeric cut-off in the statutory definition. ADEQ believes that for cancer risks, a risk level of 10^{-6} satisfies the definition.
83	Will chronic and acute ambient air criteria be updated every year? Will these be adopted as policy?	No. Every three years through periodic review. AACs for compounds within HAP compounds will be developed and included in guidance, as noted above.
84	Will Weston's health effects concentrations become the director's finding of “adverse effects to human health” required by §426.05?	In combination with modeled concentrations from sources in candidate categories, yes.
85	Will you revise the table to add a column that lists the health effect relied upon for each chemical?	No.
86	How will bio-accumulative toxics that are HAPs be regulated?	The same as other HAPs.
87	Under what conditions will ADEQ re-evaluate or allow an outside party to re-evaluate the scientific basis of an AAC?	This is allowed in a Tier 4 RMA.
88	What is the scientific justification for using a risk level as low as one in a million to define chronic air levels above which serious irreversible effects will occur?	The choice of a particular risk level is ultimately a policy, not a scientific, decision. In the department's judgment a 10^{-6} risk level satisfies the statutory definition of adverse effects as including those that “may reasonably be anticipated to be caused by substances that are . . . carcinogenic.”
89	Why revert to extremely conservative Weston AAC for specific compound for which there is “insufficient” toxicological data under Weston's approach?	ADEQ has concluded that this is a reasonable, conservative approach. Alternative concentrations may be proposed as part of a Tier 4 RMA.
90	What are all the intended uses of AACs by ADEQ beyond source category listing, and HAPRACT and de minimis determinations?	They will be used in RMAs.
91	How can AACs below background levels cause serious irreversible effects?	ADEQ does not agree with this commenter's apparent assumption that background concentrations, which are the result of existing emissions, cannot cause or contribute to adverse effects to human health.
92	Why are some chronic AACs based on highly uncertain high-dose rodent data when a wealth of human data are available at low doses (e.g. formaldehyde)?	The AACs are based on EPA and other databases commonly used for the development of health-based concentrations. ADEQ does not have the resources to duplicate EPA's work and review the scientific literature underlying the concentrations.
93	In some cases, why were AACs based on oral exposure studies, even when more accurate values based on inhalation studies are available (e.g. TCE)?	See response to 92 above.
94	Ethylene glycol mono-butyl ether has been de-listed as a HAP in the glycol ether category. MEK may soon be de-listed.	All HAPs that have actually been delisted are excluded from the list at R18-2-1703. ADEQ may not exclude a compound until EPA has completed its rulemaking.
95	How will ADEQ determine whether a source must use HAPRACT when ADEQ AACs show “x” number, and a source AACs from RMA show lower numbers? Whose number will be used for determining the source doing HAPRACT?	ADEQ will make the decision, subject to administrative appeal and judicial review.

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96	If an AAC is based on the toxicity of a worst-case surrogate chemical, will this AAC be compared to the sum of modeled concentrations for all chemicals in this class?	Yes. The HAP is the group of chemicals. E.g., all arsenic compounds constitute one HAP.
HAPRACT Determination and HAPRACT vs. MACT		
97	Will ADEQ develop EJ guidance for HAPRACT (case by case) determinations in EJ communities?	HAPRACT is a control technology standard. Its application does not depend on the location of the source.
98	How will ADEQ determine the appropriate HAPRACT for a specific pollutant or SIC category? (Is this going to be addressed at a future meeting?)	This has been addressed in the draft rule.
99	Request ADEQ meeting to address HAPRACT implementation.	A methodology for determining HAPRACT was included in the draft rule and presented at the stakeholder meeting on the rule.
100	Are there additional requirements contemplated if the AAC is exceeded even after HAPRACT is installed?	No. The statute does not allow this.
101	How will HAPRACT be defined? In rule, or case-by-case?	Case-by-case.
102	Relationship of state program to federal program: If complying with federal MACT or GACT, will the Arizona program require more?	No. An exemption for affected sources subject to Part 63 standards has been included in the draft rule.
103	Once source categories are identified, will ADEQ define MACT for each source? (i.e. area sources, major sources greater than 10 TPY PTE.)	Not categorically. Only by permit for those affected sources not already subject to a Part 63 standard.
104	Can HAPRACT be more stringent than MACT? ADEQ seems to say "yes."	<p>It is possible that a HAPRACT analysis would produce a standard that is more stringent than one of the older MACT regulations. As time passes, control technology may improve and become cheaper and new controls may become available. What was MACT several years ago therefore may not qualify as MACT or even HAPRACT today. This situation will probably occur only rarely, but it cannot be ruled out.</p> <p>Nevertheless, the draft rule allows minor sources to obtain an exemption from the program by opting into a MACT standard that applies to major sources in its source category.. A source that does so will avoid the possibility of being subjected to a HAPRACT standard that is more stringent than an EPA MACT rule. ADEQ has concluded that providing sources an incentive to opt into MACT will provide greater environmental benefits than those that may result from the rare instances when present HAPRACT would be stricter than past MACT.</p>

No.	Comment	Response
105	How will HAPRACT compare to the federal MACT standard for those businesses who happen to be in a MACT and HAPRACT category?	ADEQ believes that in the vast majority of cases, HAPRACT will be less stringent than federal MACT for the same source category. But see response to 104 above.
106	Clarification to Nancy's comment that MACT sources wouldn't be applicable to HAPRACT.	The rule exempts affected sources subject to a federal MACT emission limitation from the state program. See also response to 104 above. ADEQ has concluded that it would be inappropriate, as some stakeholders have requested, to exempt affected sources that are included or mentioned in a MACT rule but not subject to the rule's emission limitations. ADEQ will, however, take EPA's reasons for excluding affected sources from emission limitations into account in making the department's own AZMACT determination.
Risk Management Analysis (RMA)		
107	Rule must address the issue of existing exposure versus future population exposure in the RMA to exempt a source from HAPRACT.	ADEQ's policy on the definition of ambient air, which interprets the term to include any area outside the process boundary for a source, is designed to address this problem. The strawman rule adds the option in Tiers 3 and 4 of the RMA procedures to exclude a larger area from the modeling for chronic exposure, if the permit applicant establishes permanent and enforceable measures to exclude the public from the area.
108	Risk assessment needs a reality check – why do people complain of health effects when there is “no risk?”	Scientists do not consider anecdotal evidence of health effects, such as individual complaints, to be reliable evidence of a causal relationship between illness and a particular source of emissions.
109	Risk management analysis – how extensive is it going to be?	Since this comment was received, ADEQ has provided stakeholders with a draft rule establishing a 4-tier approach to conducting RMAs.
110	Add meeting to discuss risk management plan.	This has been done.
111	Could there be a public comment period on a “risk analysis” before a company is allowed to opt out?	Yes. The draft rule requires a new permit or significant permit revision for every new source and modification subject to the program, regardless of whether an RMA is performed.
112	Public notice is required for sources exempt through a RMA	See response to 111 above.
113	If a source is exempt from HAPRACT through a RMA do they still need a permit? If so what standards are in the permit?	Yes. Most such permits will need to incorporate the assumptions, such as limits on operating hours, on which the RMA is based. In addition, the permit will include any other applicable requirements, such as opacity standards, that apply to the source.
114	Regarding comment about consultants conducting false RMA modeling for companies so that companies can avoid MACT or HAPRACT. This would be falsifying a report to the agency and if knowing, is a criminal offense.	ADEQ agrees and notes that this behavior would also be subject to civil penalties. Arizona has imposed substantial civil and criminal penalties for misrepresentations in a permit application.
115	Concern that companies can get around having to add controls by “fudging” a risk management analysis and the ability of ADEQ to review RMAs because of lack of manpower and resources.	See response to 114 above.
116	What is required for an RMA?	This information has now been provided to stakeholders in the presentation at the meeting on RMAs and in the draft rule.

No.	Comment	Response
117	Will a meeting be added to discuss the risk management analysis that ADEQ will required [sic] in a large number of cases?	This has been done.
118	How handle IRIS changes?	Changes to IRIS will be evaluated as a possible basis for amending the AACs during the three-year review of the state HAPs rule. In addition, changes to IRIS can be included in a Tier 4 RMA.
119	Must mobile source emissions, such as truck or aircraft exhaust, be included in the potential emissions for RMA?	No.
120	P.C.P. exclusion exists in the NSR program and the NSPS program. Will state HAPs program have PCP exclusion?	No. The pollution control project exclusion in EPA's NSR reform rules has been rejected by the courts. ADEQ sees no reason to include it in the state HAPs program.
121	Tier 4 should allow sources to seek a revised AAC and then use a conservative SCREEN model to demonstrate impact is below the revised AAC.	ADEQ agrees. The original RMA procedure presented to the stakeholders has been amended to incorporate this change.
122	Consider alternatives to requiring a permit for RMAs. Wouldn't public notice and comment and a resp. official certification address ADEQ's underlying concerns?	ADEQ believes that in the overwhelming majority of cases, a permit will be needed to assure that a source abides by the assumptions made in its RMA. The administrative burden of developing and implementing a new procedure to address the relatively few remaining sources would not be justified.
123	Weston has modeled screen sources using AACs and SCREEN modeling to determine which HAPs are above thresholds, thus subjecting that source to the program for all HAPs. The RMA analysis will, appropriately, focus on specific HAPs. Why can't a source modeled by Weston point to Weston's modeling to justify exclusion of regulation of all HAPs below thresholds (ala Tier 2). If so, why make source subject to regulation for all HAPs to begin with?	<p>The Weston modeling used <i>existing</i> emissions and stack parameters. The state HAPs program will apply to <i>changes</i> at the source that increase emissions and that may also affect stack parameters. Weston's modeling of existing emissions does not tell us whether those future increases will adversely affect public health.</p> <p>For example, Weston's modeling may have shown that a source's existing emissions result in concentrations of benzene at 150 % of the AAC and toluene at 75 %. So the source category's listing would have been based on benzene, not toluene. But if the source doubles its toluene emissions in the future, those emissions may present a health threat. It would therefore make no sense to regulate the source solely for its benzene emissions, as the comment appears to suggest.</p>

No.	Comment	Response
Clustering – Collocation – Cumulative Impacts		
124	Safe concentration – consider “clustering.”	<p>Under A.R.S. § 49-426.05(A), the “clustering” of sources in the same category can be considered in determining whether “emissions from sources in a category individually or in the aggregate result in adverse effects to human health.” However, ADEQ did not have sufficient information to determine whether any of the sources in the same candidate category are sufficiently near to each other to produce ambient concentrations significantly higher than they do individually. ADEQ will consider any such information submitted by comments for candidate categories that are not included on the list.</p> <p>ADEQ notes that the decision on where to locate a business rests with the business owner and the local zoning authority. ADEQ does not have authority under state statute to prohibit a source from choosing a particular location within the state. The department, however, does consider the implications of federal civil rights law, i.e. Title VI, in making individual permit decisions. In addition, the department has worked with county agencies and community groups to address environmental justice concerns relating to existing facilities in certain areas of the state.</p>
125	What role, if any, will collocation play regarding applicability?	<p>“Collocation” means the location of facilities on contiguous or adjacent properties. The collocation of facilities that are owned or operated by the same person or persons under common control and covered by the same 2-digit SIC code constitutes a single stationary source. The source’s total emissions are considered in determining applicability.</p> <p>The collocation of different sources does not affect applicability.</p>
126	Need by rule to prevent clustering of major HAPs sources.	See response to 124 above.
127	Why can’t cumulative impacts be evaluated in HAPRACT determinations?	HAPRACT is a control technology, not a health-based, standard.
128	49-426.05 considers “aggregate” effects of sources in a category wouldn’t that require aggregate evaluation in HAPRACT determination?	No. Aggregate effects may be considered only in deciding to list a source category.
129	Clustering of operations should be in the forefront. Sun City – 40,000 retired folks. Sun City West – 30,000 retired folks. 21 mining locations from Grand to Jomax. Sun City West has the highest lung cancer ZIP code in the state.	See response to 124 above.
Title VI – Environmental Justice		
130	The program will have a disproportionate effect (negative) on the low-income, minority communities because that’s where the existing sources are.	<p>ADEQ disagrees. To the extent a community contains a disproportionate number of existing sources, it will benefit disproportionately from the program’s requirements for modified sources. The program will ameliorate the impact of modifications, as well as new sources, in these communities. It will not exacerbate any existing impacts.</p> <p>In addition, see the response to 124 above.</p>

No.	Comment	Response
131	Cumulative impact is a federal Title VI issue (civil rights).	A cumulative impact may be an issue if a state action results in or exacerbates a disproportionate impact on a community protected by Title VI. As noted in the response to 130 above, the state HAPs program will not have this effect.
132	Title VI/Civil Rights cumulative impacts and effects.	See response to 131 above.
133	Cumulative impacts must be examined Title VI – Civil Rights Issues.	See response to 131 above.
134	ADEQ (should) provide free technical assistance to EJ communities to participate in RMA decisions.	ADEQ will be happy to work with EJ communities to assist them in understanding RMA decisions. ADEQ does not have the resources to fund independent consultants for these communities, as was suggested during the stakeholder process.
135	When determining adverse effects consider a Title VI review.	See response to 124 above.
136	How would EJ communities afford to challenge an exemption through RMA?	See response to 134 above.
Other Issues		
137	If a source has PTE over 1 TPY but there is no public exposure (i.e. no homes business, etc.) within two miles, why regulate?	There is no guarantee that the hypothetical conditions described will persist.
138	Time should be spent changing the statute rather than implementing a rule exempting existing sources and a backdoor exemption for others.	ADEQ is an executive branch agency and must implement the statutory authority provided.
139	Childhood leukemia incidence rates are increasing. Childhood brain tumor incidence rates are increasing. Other chronic illnesses like asthma and autism are on the rise. Please implement the safest HAPs rule you possibly can.	ADEQ agrees and is attempting to do as the comment suggests.
140	No rule is better than a bad rule.	ADEQ has no intention of adopting a “bad rule.” The program ADEQ is adopting may be incomplete, since by statute it may not address unmodified existing sources, but it will represent an improvement over no rule at all.
141	Please offer public education how people can prevent exposures to known toxics.	ADEQ responds to specific requests for outreach.
142	Taking HAPs issue to the Legislature is just plain crazy.	ADEQ does not believe a response to this comment was anticipated.
143	What other states have enacted or adopted a state HAPs program?	The most recent survey of which ADEQ is aware indicates that 14 states have programs that go beyond federal requirements.
144	It has been increasingly understood that Arizona’s air quality has been deteriorating over time. This has not only created more childhood asthma and other serious respiratory problems but also made working toward a sustainable livable community a dubious goal. Now that we know how to improve standards, we must apply those standards to all existing problem sources, not just new arrivals. In our effort to cultivate economic development, if we were to consider only applying the new and improved air quality measures to new businesses and not existing businesses, we would be creating an unfair playing field for competition. If you think that applying the new measures to all sources is too great a burden, you could consider phasing it in over time but not too much time. The operational status of the standards and/or the state could offer a tax credit.	The statute requires a New Source Review type of program.

No.	Comment	Response
145	What are the administrative costs to small businesses to get a permit and comply with the fees, reporting and inspection requirements?	This issue will be addressed in the Economic Impact Statement for the proposed rule.
146	Doesn't this impose an unfair burden on small sources that can't afford to do a risk assessment to get an exemption?	Since affordable options are included in the RMA procedures, and the level of control technology required of minor sources is less stringent than that required for major sources, ADEQ believes the burden is not unfair. ADEQ will provide assistance to small businesses.
147	Will there be a look-back period defined in rule, similar to NSR?	ADEQ is uncertain what the comment means by a "look-back" period.
Comments Regarding the Rulemaking Process		
148	Public meetings through direct satellite TV connection. So working community folk can participate without having to travel long distance. Connection can be done without much expense if done through Pima College or UA Telecommunications department.	ADEQ does not believe this suggestion is consistent with the purpose of the stakeholder process. The purpose of a stakeholder process is to allow an agency to have a dialogue with, and hopefully achieve some consensus among, a group of persons who provide representation of the divergent interests in a particular agency decision. The purpose of a stakeholder process is not to receive comment from every individual who has an interest in the rule. That opportunity will be provided during the formal rulemaking process.
149	Need more notice for meetings and respect for the needs of all stakeholders	See response to 148 above.
150	Send out a press release to publicize future meetings	See response to 148 above. This will be done for the formal public comment period and hearings for the proposed rule.
151	Need an 800 number to call into the stakeholder meetings	This was provided.
152	This HAPs issue needs many true local meetings – in evenings and local area accessible sites.	See response to 148 above.
153	We need more meetings in Tucson. With telephone meetings we'd need all documents and presentations online before the meeting.	See response to 148 above. In addition, an 800 number was provided for participants who did not wish to travel to Phoenix.
154	Send meeting notices two weeks before meeting. Put notices in newspaper/radio. Put meeting notices in Spanish to Spanish language media.	See response to 148 above.
155	We should do some evening meetings so the affected public can participate and attend.	See response to 148 above.
Deed Restriction Comments		
156	Wouldn't an enforceable permit condition be as effective as a deed restriction if a source desires an alternative to use of a process area boundary?	The draft rule does not necessarily require the use of a deed restriction. Other permanent and enforceable measures outside the permit are permissible. Making the measures enforceable outside the permit is necessary to insure that future owners of the source have notice of and are required to continue implementing the measures.
157	The process area boundary is way inside MSHA boundary for active mine site – no way deed restriction will be recorded on property under MSHA jurisdiction.	If MSHA restrictions are permanent and enforceable, they may obviate the need for a deed restriction.
158	What is the approval process for deed restrictions?	Deed restrictions or other permanent and enforceable measures outside the permit should be proposed as part of the permit application.

No.	Comment	Response
159	What does ADEQ envision to be acceptable "deed restrictions approved by ADEQ"?	The restrictions should provide for the permanent maintenance of measures that effectively prevent the public from accessing the areas in question.
Additional Comments		
160	The rule does not adequately address prevention of "adverse environmental effects" discussed in ARS Section 49-401.01(3).	At this time, quantification methods are not available to determine the ambient air concentrations at which adverse environmental effects on wildlife, aquatic life, or other natural resources occur. During the triennial review process, as quantification methods become available, ADEQ will continue to revisit this issue and update the program as appropriate to meet statutory requirements.
161	Listing only the federal Hazardous Air Pollutants does not meet the mandates of the program and does not adequately protect the public's health. Clearly there is adequate information available to list additional Hazardous Air Pollutants.	<p>The statute provides ADEQ the authority to adopt state-only HAPs, but does not impose the obligation to do so. (Except in response to a meritorious petition, as described below.) ADEQ has chosen at this stage to focus on implementing its authority to regulate minor sources of federal HAPs, which have gone largely unaddressed by EPA.</p> <p>ADEQ agrees that pollutants other than the federally listed HAPs may pose a threat to public health and the environment and therefore intends to consider the adoption of state-only HAPs during a future triennial review of the rule. In addition, A.R.S. § 49-426.04(C) gives any person the right to petition ADEQ to add a pollutant to the HAP list.</p>
162	The exemption from the definition of modifications for increases in hours of operation or production seems like it could be a huge loophole. If a facility goes from operating 8 or 10 hours a day to 24 hours per day, that will significantly affect the emissions and any people who live or spend time near the facility.	<p>Changes in hours of operation and production occur frequently, primarily due to economic fluctuations. The exemption reflects a long-standing policy determination that applying new source review programs to these types of changes would represent an undue burden on businesses.</p> <p>It should be noted that the exemption applies solely to changes in hours of operation or production at an otherwise unaltered plant. If a physical or operational change enables the increase, then it may qualify as a modification.</p>
163	R18-2-1705(E) excludes from determination of the de minimis amount particulates related to agriculture, excavation, etc. Is this because they are covered under other programs?	This provision simply mirrors an exemption afforded by the statute in A.R.S. § 49-426.06(I).
164	Who decides if a reliable method of measuring emissions is available? Will there be public notice and opportunity for public comment on this?	The Director will decide. The decision will be subject to public comment as part of the permit decision.
165	Should process for petitioning to add a HAP to the list be addressed in the rule.	ADEQ has concluded that this is not necessary.
166	R18-2-1708.F allows for an alternative operation scenario and would give an applicant the opportunity to pre-permit future changes. Will there be any requirement to notify ADEQ or the counties when the changes actually occur? Notification would allow the ADQE to do an inspection to determine if the actual emissions are still within the limits predicted and provide for protecting public health and the environment.	Notification will be required in some cases. In order for a major source of regulated air pollutants to begin operating in accordance with an alternative operating scenario, A.A.C. R18-2-317 requires the source to notify ADEQ and EPA of the change in writing at least seven days before making the change. A.A.C. R18-2-317.02(B)(1), on the other hand, allows minor sources of regulated air pollutants to implement an alternative operating scenario by keeping an on-site record of the change.

No.	Comment	Response
167	Tier 1 and Tier 2 RMAs require the use mathematical calculations and processes that are specifically defined in rule. Isn't the public process associated with these two Tiers of analysis going to occur at the time the rule is published? If so, then why require Tier 1 and Tier 2 RMA analysis to undergo the significant permit revision process?	Although the calculations and procedures in Tier 1 and Tier 2 are specifically defined in rule, ADEQ has determined that implementation of the calculations and procedures constitutes a "case-by-case determination of an emission limitation or other standard," which is excluded from being processed as a minor permit revision pursuant to A.A.C. R18-2-319(A)(3). In addition, Tier 1 RMAs will, and Tier 2 RMAs may, use AACs established by guidance or developed by the permit applicant. The public should have the opportunity to comment on whether these AACs are sufficiently protective. Also see response to 113.
168	Modifications must be permitted within pre-defined bounds to ensure the continued adaptability of AAI member businesses to changing market conditions. While AAI does not believe [the alternative operating scenario] concept is as workable or as practical as emissions caps, the alternative operating scenario approach may provide much of the necessary flexibility if it is formulated to permit physical and operational changes within certain pre-approved parameters based on a reasonable worst-case range of conditions and ambient impacts.	ADEQ agrees that alternative operating scenarios should allow operation within a range of conditions, provided an RMA demonstrates that operations within that range will not cause adverse effects to health or the environment. ADEQ has added language to the draft rule to make this clear and to clarify that operations consistent with an alternative operating scenario are not subject to the state HAPs program. The language provided by AAI in conjunction with its comment was of considerable assistance in drafting this change to the rule.
169	We believe it is appropriate to subject to the state HAPs rule only those sources with a primary SIC code set forth in Table 2.	Since the source category list was developed on the basis of primary SIC codes, ADEQ agrees and has modified the rule to make it clear that applicability determinations will be based on a source's primary SIC code. It should be noted, however, that once a source is subject to regulation on the basis of its primary SIC code, all supporting activities within the same source are also subject to the program, even if they would be covered by a different SIC code when conducted independently.
170	<p>We are concerned ...that the proposed rule language in R18-2-1702.C does not clearly accomplish ADEQ's objective of excluding EUSGUs from the scope of the state HAPs rule. ...</p> <p>To address this issue, we encourage ADEQ to revise the draft rule by adding the following new Section R18-2-1702.E:</p> <p style="padding-left: 40px;">E. The provisions of this Article shall not apply to sources for which the Administrator has made one of the following findings pursuant to Section 112(n):</p> <ol style="list-style-type: none"> 1. A finding that regulation is not appropriate or necessary; 2. A finding that alternative control strategies should be applied. 	ADEQ agrees with and has incorporated the clarifying language submitted by this commenter into the draft rule.
171	ADEQ indicated that it would remove all ... references [to EUSGUs], in order to avoid confusion regarding the applicability of the rule to EUSGUs.	This has been done in the draft rule.
172	TEP questions whether the word NOT should be added to [the definition of modification].	The commenter is correct. In addition to emission increases, the definition of modification should cover "the emission of any HAP <i>not</i> previously emitted by the source by more than any de minimis amount" New HAP emissions, in other words, are covered.
173	Phelps Dodge Morenci requests that ADEQ reconsider its initial proposal for the copper mining source category.	This request is under review.

174	<p>The HAP statute places no restrictions on an applicant's options for making a Risk Management Analysis (RMA) to demonstrate that MACT or HAPRACT is not necessary to avoid adverse effects. ADEQ's "Tier 4" RMA requirements would place restrictions on options for determining the point of exposure and on the factors that may be considered in lieu of ADEQ's ultra conservative modeling assumptions and acceptable levels.</p>	<p>ADEQ disagrees with this comment's characterization of the strawman rule. Consistent with the statute, R18-2-1708(B)(4)(c) allows the permit applicant to include documentation of all of the factors identified in A.R.S. § 49-426.06(D). R18-2-1708(B)(4)(e) provides for the director's consideration of these factors in determining whether compliance with HAPRACT or MACT should be required.</p> <p>ADEQ also disagrees with the commenter's contention that ADEQ can adopt no provisions relating to RMAs other than those specifically set forth in the statute. A.R.S. § 49-426.06(A) directs the Department to adopt rules to "establish a state program for the control of [HAPs] that meets the requirements of this section," which would include the requirements relating to RMAs.</p>
175	<p>I urge that you include a requirement for periodic measurements and reporting of the airborne levels of the substances.</p>	<p>The program mandated by statute provides for the imposition of control technology, rather than health-based, standards on regulated sources. <i>Emissions</i> monitoring or testing may therefore be included in standards imposed pursuant to this program. This statute, however, does not provide any basis for requiring the measurement and reporting of "airborne" or ambient HAP levels.</p> <p>ADEQ does have the authority, however, to impose ambient monitoring under other provisions of the air quality statutes, for example in permit conditions.</p>